

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

REVEREND WES CARROLL,)
Petitioner,)
vs.)
COURT OF COMMON PLEAS OF)
ALLEGHENY COUNTY, PITTSBURGH,)
PENNSYLVANIA, et al.,)
Respondents.)

2:06cv532
Electronic Filing
Judge Cercone
Magistrate Judge Mitchell

MEMORANDUM ORDER

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AND NOW, this 8 day of March, 2007, after the petitioner, Reverend Wes Carroll, filed a petition for a writ of habeas corpus, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and upon consideration of the objections filed by petitioner, and upon independent review of the petition and the record and upon consideration of the Magistrate Judge's Report and Recommendation (Docket No. 7), which is adopted as the opinion of this Court,

IT IS ORDERED that the petition for a writ of habeas corpus filed by petitioner (Docket No. 6) is dismissed and a certificate of appealability is denied.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure if the petitioner desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.

Petitioner's objections are without merit. Contrary to his protestations, it is his submissions that more closely reflect the lines he quotes from Act 5 of MacBeth. And beyond this shortcoming, petitioner has failed to demonstrate that any period of prejudicial delay has occurred in the ongoing state court process. Consequently, the petition properly is dismissed at this juncture.



David Stewart Cercone
United States District Judge

cc: Honorable Robert C. Mitchell
United States Magistrate Judge

Reverend Wes Carroll
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